# FORTY-THIRD LEGISLATIVE DAY MONDAY, FEBRUARY 21, 2005

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused -- Chadderdon, Clark, Henderson, Nonini. Total -- 4.

Total -- 70.

Prayer was offered by Representative McGeachin.

The Pledge of Allegiance was led by Abigail Kircher, Page.

### Approval of Journal

February 21, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fortieth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Bill Buckendorf, Director

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

# Consideration of Messages from the Governor and the Senate

At this time, the Speaker put the House at ease.

#### MEMORIAL SERVICE

Choral Performance ............. Caldwell High School Madrigals

"Kyria" "Take O Take"

Benediction ...... Representative Robert Ring

#### A HOUSE MEMORIAL

WHEREAS, Representative Ronald "Ron" D. Slater has passed on since the close of the Second Regular Session of the Fifty-seventh Idaho Legislature; and

WHEREAS, the late Representative Slater served in this House, in the interest of Ada County during the Forty-eighth and

Forty-ninth Legislatures covering the years 1985 through 1988.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Ronald "Ron" D. Slater.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Slater family.

Representative Janet Miller paid tribute to the former Representative Slater.

#### A HOUSE MEMORIAL

WHEREAS, Representative Jerry Stoicheff has passed on since the close of the Second Regular Session of the Fifty-seventh Idaho Legislature; and

WHEREAS, the late Representative Stoicheff served in this House, in the interest of Bonner and Boundary Counties during the Fifty-sixth Legislature covering January 4, 2000, through November 30, 2000.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Jerry Stoicheff.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Stoicheff family.

Representative Donna Boe paid tribute to the former Representative Stoicheff.

#### A HOUSE MEMORIAL

WHEREAS, Representative Vernon F. Ravenscroft has passed on since the close of the Second Regular Session of the Fifty-seventh Idaho Legislature; and

WHEREAS, the late Representative Ravenscroft served in this House, in the interest of Gooding, Jerome, and Lincoln Counties during the Thirty-seventh through the Forty-second Legislatures covering the years 1963 through 1974.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Vernon F. Ravenscroft.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Ravenscroft family.

Representative JoAn Wood paid tribute to the former Representative Ravenscroft.

#### A HOUSE MEMORIAL

WHEREAS, Representative Dan Emery has passed on since the close of the Second Regular Session of the Fifty-seventh Idaho Legislature; and

WHEREAS, the late Representative Emery served in this House, in the interest of Ada County during the Thirty-first through the Thirty-third, Forty-third, and Forty-fifth through the Forty-sixth Legislatures covering the years 1951 through 1956, 1975 through 1976, and 1979 through 1982.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Dan Emery.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Emery family.

Representative Mike Moyle paid tribute to the former Representative Emery.

### A HOUSE MEMORIAL

WHEREAS, Representative Daniel Hawkley has passed on since the close of the Second Regular Session of the Fifty-seventh Idaho Legislature; and

WHEREAS, the late Representative Hawkley served in this House, in the interest of Ada County during the Fifty-second Legislature covering the years 1993 through 1994.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Daniel Hawkley.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Hawkley family.

Representative Max Black paid tribute to the former Representative Hawkley.

# A HOUSE MEMORIAL

WHEREAS, Representative Floyd Kisling has passed on since the close of the Second Regular Session of the Fifty-seventh Idaho Legislature; and

WHEREAS, the late Representative Kisling served in this House, in the interest of Lincoln County during the Thirty-third through the Thirty-sixth Legislature covering the years 1955 through 1962.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Floyd Kisling.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Kisling family.

Representative Wendy Jaquet paid tribute to the former Representative Kisling.

Prior to going at ease, the House was at the Fourth Order of Business.

# Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR Boise

February 18, 2005

The Honorable Bruce Newcomb Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

### H 2, H 3, H 10, H 12, H 13, H 14, and H 15

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

February 18, 2005

Mr. Speaker:

I transmit herewith S 1050, S 1092, S 1034, S 1035, and S 1061 which have passed the Senate.

WOOD, Secretary

S 1050, S 1092, S 1034, S 1035, and S 1061 were filed for first reading.

February 18, 2005

Mr. Speaker:

I return herewith  $H\ 29$  and  $H\ 31$  which have passed the Senate.

WOOD, Secretary

**H 29** and **H 31** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

### **Report of Standing Committees**

February 21, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 245**, **H 246**, **H 247**, **H 248**, and **H 249**.

FIELD(18), Chairman

**H 245** was referred to the Judiciary, Rules, and Administration Committee.

H 246 and H 247 was referred to the Health and Welfare Committee.

H 248 was referred to the Business Committee.

H 249 was referred to the State Affairs Committee.

February 21, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 25, H 21, H 27**, and **H 28** to the Governor at 11:10 a.m., as of this date, February 18, 2005.

FIELD(18), Chairman

February 18, 2005

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration H 16, H 17, and H 18 and recommend that they do pass.

BARRACLOUGH, Chairman

H 16, H 17, and H 18 were filed for second reading.

February 18, 2005

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 183** and **S 1059** and recommend that they do pass.

WOOD, Chairman

H 183 and S 1059 were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

## Motions, Memorials, and Resolutions

Mr. Denney moved that the following persons be approved as attaches to serve the House of Representatives for and during the First Regular Session of the Fifty-eighth Idaho Legislature. Seconded by Ms. Jaquet.

Pages:

Hannah Alexander Jessica Kynoch
Rachel Arnett Rachael Lorcher
Valerie Bedke Emily Patchin
Cassie Carlson Kristen Richter
Jennifer Dettori Tara Ridinger
Tabitha Grad Jenna Ryan
Abigail Kircher Jessinah Schaefer

Whereupon the Speaker declared the motion carried by voice vote and administered the oath of office to the above named attaches

# Introduction, First Reading, and Reference of Bills and Joint Resolutions

## HOUSE BILL NO. 250 BY EDUCATION COMMITTEE

AN ACT

RELATING TO BASIC DAY CARE LICENSURE; AMENDING SECTION 39-1102, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 39-1105, IDAHO CODE, TO INCREASE THE MINIMUM AGE OF PERSONS REQUIRING A CRIMINAL HISTORY CHECK; AMENDING SECTION 39-1107, IDAHO CODE, TO SPECIFY A MAXIMUM FEE FOR LICENSURE; AMENDING SECTION 39-1109, IDAHO CODE, TO GOVERN STANDARDS FOR FIRE SAFETY; REPEALING SECTION 39-1114, IDAHO CODE; AMENDING SECTION 39-1115, IDAHO CODE, TO STRIKE REFERENCE TO GROUP DAY CARE FACILITIES; AMENDING SECTION 39-1116. IDAHO CODE, TO STRIKE REFERENCE TO GROUP DAY CARE FACILITIES; AMENDING SECTION 39-1117, IDAHO CODE, TO STRIKE REFERENCE TO DAY CARE FACILITIES; AMENDING SECTION 39-1119, IDAHO CODE, TO REQUIRE PEDIATRIC RESCUE BREATHING AND FIRST AID CERTIFICATION OF PERSONS SPECIFIED; AMENDING SECTION 39-1111, IDAHO CODE, TO STRIKE AN OBSOLETE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-1501, IDAHO CODE, TO STRIKE AN OBSOLETE REFERENCE.

## HOUSE BILL NO. 251 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO PUBLIC INFRASTRUCTURE IMPROVEMENTS DISTRICTS; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 50, IDAHO CODE, TO PROVIDE LEGISLATIVE PURPOSE AND A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR CREATION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS DISTRICTS, TO PROVIDE FOR ORGANIZATION OF A DISTRICT, TO PROVIDE POWERS OF A DISTRICT, TO PROVIDE FOR A CHANGE IN DISTRICT BOUNDARIES OR THE GENERAL PLAN, TO PROVIDE FOR FINANCES, TO PROVIDE FOR GENERAL OBLIGATION BONDS AND TAX LEVIES, TO PROVIDE FOR REVENUE BONDS AND FEES AND CHARGES, TO PROVIDE TERMS OF THE BONDS, TO PROVIDE FOR

NOTICE AND CONDUCT OF ELECTIONS, TO PROVIDE FOR TAXES, TO PROVIDE FOR FINANCIAL STATEMENTS AND ESTIMATES, BUDGETS AND CERTIFICATION OF LEVIES, TO PROVIDE FOR DISSOLUTION OF A DISTRICT, TO PROVIDE FOR EXEMPTIONS AND EXCLUSIONS, TO PROVIDE FOR LIMITATION OF LIABILITY, TO PROVIDE FOR APPEAL, EXCLUSIVE REMEDY AND CONCLUSIVENESS, TO PROVIDE FOR CONSISTENCY WITH STATE LAW, TO PROVIDE LIBERAL INTERPRETATION AND TO PROVIDE SEVERABILITY.

## HOUSE BILL NO. 252 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO PROPERTY TAX RELIEF; AMENDING SECTION 63-701, IDAHO CODE, TO PROVIDE A CORRECT REFERENCE AND TO EXCLUDE BENEFITS PAID BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS TO DEPENDENTS OF DECEASED VETERANS UNDER THE DEFINITION OF "INCOME"; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

# HOUSE BILL NO. 253 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO EXEMPTION FROM PROPERTY TAXATION; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602HH, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM PROPERTY TAX FOR UNUSED INFRASTRUCTURE.

# HOUSE BILL NO. 254 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO PROPERTY TAXATION; REPEALING SECTION 63-602FF, IDAHO CODE; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602FF, IDAHO CODE, TO PROVIDE A PARTIAL PROPERTY TAX EXEMPTION FOR PARCELS OF LAND IN A RURAL RESIDENTIAL SUBDIVISION PLAT IN CERTAIN COUNTIES, TO PROVIDE ELIGIBILITY CRITERIA, TO PROVIDE FOR AN APPLICATION, TO PROVIDE FOR RECOVERY OF TAXES, TO DEFINE TERMS AND TO PROVIDE THE DECLARATION THAT THIS EXEMPTION IS NECESSARY AND JUST; AMENDING SECTION 63-509, IDAHO CODE, TO PROVIDE AN ASSESSMENT ROLL FOR RURAL RESIDENTIAL SUBDIVISION PLATS GRANTED A PARTIAL PROPERTY TAX EXEMPTION; AMENDING SECTION 63-604, IDAHO CODE, TO REVISE CERTAIN ELIGIBILITY CRITERIA FOR LAND TO BE ACTIVELY DEVOTED TO AGRICULTURE FOR PROPERTY TAX PURPOSES: DECLARING AN AND PROVIDING RETROACTIVE EMERGENCY APPLICATION.

H 250, H 251, H 252, H 253, and H 254 were introduced,

read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

- **S 1050**, by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.
- S 1092, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.
- S 1034 and S 1035, by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.
- **S 1061**, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

- H 89, H 90, H 117, H 118, H 119, and H 120, by Business Committee, were read the second time by title and filed for third reading.
- S 1032 and S 1033, by Resources and Environment Committee, were read the second time by title and filed for third reading.
- H 95, H 96, and H 129, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.
- **H 149**, by State Affairs Committee, was read the second time by title and filed for third reading.

## Third Reading of Bills and Joint Resolutions

**H** 143 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Denney to open debate.

The question being, "Shall H 143 pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bilbao, Black, Block, Bolz, Bradford, Cannon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smylie, Snodgrass, Wills, Wood, Mr. Speaker. Total -- 49.

NAYS -- Bell, Boe, Henbest, Jaquet, Jones, LeFavour, Martinez, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Sayler,

Smith(30), Smith(24), Stevenson, Trail. Total -- 17.

Absent and excused -- Chadderdon, Clark, Henderson, Nonini. Total -- 4.

Total -- 70.

Whereupon the Speaker declared H 143 passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that **H 111**, **H 113**, and **H 115** retain their places on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

H 112 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall H 112 pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Pasley-Stuart, Pence, Ring, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Chadderdon, Clark, Henderson, Nonini, Raybould, Ringo, Stevenson. Total -- 7.

Total -- 70.

Whereupon the Speaker declared H 112 passed the House. Title was approved and the bill was ordered transmitted to the Senate.

 ${f H}$  114 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bilbao to open debate.

The question being, "Shall H 114 pass?"

Roll call resulted as follows:

AYES - Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Pasley-Stuart, Pence, Raybould, Ring, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills,

Wood, Mr. Speaker. Total -- 62.

NAYS -- Schaefer. Total -- 1.

Absent and excused -- Chadderdon, Clark, Henderson, Mitchell, Nonini, Ringo, Stevenson. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 114** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 116** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall H 116 pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Pasley-Stuart, Pence, Raybould, Ring, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Chadderdon, Clark, Henderson, Nonini, Ringo, Stevenson. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 116** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 121** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

Mr. Snodgrass asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 121**. There being no objection, it was so ordered.

The question being, "Shall H 121 pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Pasley-Stuart, Pence, Raybould, Ring, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8),

Shirley, Skippen, Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 62.

NAYS -- Martinez, Smith(30). Total -- 2.

Absent and excused -- Chadderdon, Clark, Henderson, Nonini, Ringo, Stevenson. Total -- 6.

Total -- 70.

Whereupon the Speaker declared  $H\ 121$  passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Denney moved that the House adjourn until 10:45 a.m., Tuesday, February 22, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:03 p.m.

BRUCE NEWCOMB, Speaker

### ATTEST:

PAMM JUKER, Chief Clerk